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EXAMINER
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POWERS, FIONA

ART UNIT	PAPER NUMBER
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1626

MAIL DATE	DELIVERY MODE
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03/19/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/568,526	<b>Applicant(s)</b> IGNATYEV ET AL.	
	<b>Examiner</b> Fiona T. Powers	<b>Art Unit</b> 1626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-40 are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

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Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group 1, claim(s) 1, 2 and 27 (all in part), drawn to compounds of the formula I where  $CAT^+$  is azine and  $Y^-$  is of the formula II-1.

Group 2, claim(s) 1, 2 and 28 (all in part), drawn to compounds of the formula I where  $CAT^+$  is azine and  $Y^-$  is of the formula II-2.

Group 3, claim(s) 1,2 and 29 (all in part), drawn to compounds of the formula I where  $CAT^+$  is azine and  $Y^-$  is of the formula II-3.

Group 4, claim(s) 1, 2 and 30 (all in part), drawn to compounds of the formula I where  $CAT^+$  is azine and  $Y^-$  is of the formula II-4.

Group 5, claim(s) 1, 3 and 27 (all in part), drawn to compounds of the formula I where  $CAT^+$  is xanthene and  $Y^-$  is of the formula II-1.

Group 6, claim(s) 1, 3 and 28 (all in part), drawn to compounds of the formula I where  $CAT^+$  is xanthene and  $Y^-$  is of the formula II-2.

Group 7, claim(s) 1, 3 and 29 (all in part), drawn to compounds of the formula I where  $CAT^+$  is xanthene and  $Y^-$  is of the formula II-3.

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Group 8, claim(s) 1, 3 and 30 (all in part), drawn to compounds of the formula I where  $CAT^+$  is xanthene and  $Y^-$  is of the formula II-4.

Group 9, claim(s) 1, 4 and 20 to 27 (all in part), drawn to compounds of the formula I where  $CAT^+$  is polymethine and  $Y^-$  is of the formula II-1.

Group 10, claim(s) 1, 4, 20 to 26 and 28 (all in part), drawn to compounds of the formula I where  $CAT^+$  is polymethine and  $Y^-$  is of the formula II-2.

Group 11, claim(s) 1, 4, 20 to 26 and 29 (all in part), drawn to compounds of the formula I where  $CAT^+$  is polymethine and  $Y^-$  is of the formula II-3.

Group 12, claim(s) 1, 4, 20 to 26 and 30 (all in part), drawn to compounds of the formula I where  $CAT^+$  is polymethine and  $Y^-$  is of the formula II-4.

Group 13, claim(s) 1, 5 and 27 (all in part), drawn to compounds of the formula I where  $CAT^+$  is styryl and  $Y^-$  is of the formula II-1.

Group 14, claim(s) 1, 5 and 28 (all in part), drawn to compounds of the formula I where  $CAT^+$  is styryl and  $Y^-$  is of the formula II-2.

Group 15, claim(s) 1, 5 and 29 (all in part), drawn to compounds of the formula I where  $CAT^+$  is styryl and  $Y^-$  is of the formula II-3.

Group 16, claim(s) 1, 5 and 30 (all in part), drawn to compounds of the formula I where  $CAT^+$  is styryl and  $Y^-$  is of the formula II-4.

Group 17, claim(s) 1, 6 and 27 (all in part), drawn to compounds of the formula I where  $CAT^+$  is azo and  $Y^-$  is of the formula II-1.

Group 18, claim(s) 1, 6 and 28 (all in part), drawn to compounds of the formula I where  $CAT^+$  is azo and  $Y^-$  is of the formula II-2.

Group 19, claim(s) 1, 6 and 29 (all in part), drawn to compounds of the formula I where  $CAT^+$  is azo and  $Y^-$  is of the formula II-3.

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Group 20, claim(s) 1, 6 and 30 (all in part), drawn to compounds of the formula I where  $CAT^+$  is azo and  $Y^-$  is of the formula II-4.

Group 21, claim(s) 1, 7 and 27 (all in part), drawn to compounds of the formula I where  $CAT^+$  is tetrazolium and  $Y^-$  is of the formula II-1.

Group 22, claim(s) 1, 7 and 28 (all in part), drawn to compounds of the formula I where  $CAT^+$  is tetrazolium and  $Y^-$  is of the formula II-2.

Group 23, claim(s) 1, 7 and 29 (all in part), drawn to compounds of the formula I where  $CAT^+$  is tetrazolium and  $Y^-$  is of the formula II-3.

Group 24, claim(s) 1, 7 and 30 (all in part), drawn to compounds of the formula I where  $CAT^+$  is tetrazolium and  $Y^-$  is of the formula II-4.

Group 25, claim(s) 1, 8 and 27 (all in part), drawn to compounds of the formula I where  $CAT^+$  is pyrylium and  $Y^-$  is of the formula II-1.

Group 26, claim(s) 1, 8 and 28 (all in part), drawn to compounds of the formula I where  $CAT^+$  is pyrylium and  $Y^-$  is of the formula II-2.

Group 27, claim(s) 1, 8 and 29 (all in part), drawn to compounds of the formula I where  $CAT^+$  is pyrylium and  $Y^-$  is of the formula II-3.

Group 28, claim(s) 1, 8 and 30 (all in part), drawn to compounds of the formula I where  $CAT^+$  is pyrylium and  $Y^-$  is of the formula II-4.

Group 29, claim(s) 1, 9 and 27 (all in part), drawn to compounds of the formula I where  $CAT^+$  is benzopyrylium and  $Y^-$  is of the formula II-1.

Group 30, claim(s) 1, 9 and 28 (all in part), drawn to compounds of the formula I where  $CAT^+$  is benzopyrylium and  $Y^-$  is of the formula II-2.

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Group 31, claim(s) 1, 9 and 29 (all in part), drawn to compounds of the formula I where  $CAT^+$  is benzopyrylium and  $Y^-$  is of the formula II-3.

Group 32, claim(s) 1, 9 and 30 (all in part), drawn to compounds of the formula I where  $CAT^+$  is benzopyrylium and  $Y^-$  is of the formula II-4.

Group 33, claim(s) 1, 10 and 27 (all in part), drawn to compounds of the formula I where  $CAT^+$  is thiopyrylium and  $Y^-$  is of the formula II-1.

Group 34, claim(s) 1, 10 and 28 (all in part), drawn to compounds of the formula I where  $CAT^+$  is thiopyrylium and  $Y^-$  is of the formula II-2.

Group 35, claim(s) 1, 10 and 29 (all in part), drawn to compounds of the formula I where  $CAT^+$  is thiopyrylium and  $Y^-$  is of the formula II-3.

Group 36, claim(s) 1, 10 and 30 (all in part), drawn to compounds of the formula I where  $CAT^+$  is thiopyrylium and  $Y^-$  is of the formula II-4.

Group 37, claim(s) 1, 11 and 27 (all in part), drawn to compounds of the formula I where  $CAT^+$  is benzothiopyrylium and  $Y^-$  is of the formula II-1.

Group 38, claim(s) 1, 11 and 28 (all in part), drawn to compounds of the formula I where  $CAT^+$  is benzothiopyrylium and  $Y^-$  is of the formula II-2.

Group 39, claim(s) 1, 11 and 29 (all in part), drawn to compounds of the formula I where  $CAT^+$  is benzothiopyrylium and  $Y^-$  is of the formula II-3.

Group 40, claim(s) 1, 11 and 30 (all in part), drawn to compounds of the formula I where  $CAT^+$  is benzothiopyrylium and  $Y^-$  is of the formula II-4.

Group 41, claim(s) 1, 12 and 27 (all in part), drawn to compounds of the formula I where  $CAT^+$  is thiazine and  $Y^-$  is of the formula II-1.

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Group 42, claim(s) 1, 12 and 28 (all in part), drawn to compounds of the formula I where  $CAT^+$  is thiazine and  $Y^-$  is of the formula II-2.

Group 43, claim(s) 1, 12 and 29 (all in part), drawn to compounds of the formula I where  $CAT^+$  is thiazine and  $Y^-$  is of the formula II-3.

Group 44, claim(s) 1, 12 and 30 (all in part), drawn to compounds of the formula I where  $CAT^+$  is thiazine and  $Y^-$  is of the formula II-4.

Group 45, claim(s) 1, 13 and 27 (all in part), drawn to compounds of the formula I where  $CAT^+$  is oxazine and  $Y^-$  is of the formula II-1.

Group 46, claim(s) 1, 13 and 28 (all in part), drawn to compounds of the formula I where  $CAT^+$  is oxazine and  $Y^-$  is of the formula II-2.

Group 47, claim(s) 1, 13 and 29 (all in part), drawn to compounds of the formula I where  $CAT^+$  is oxazine and  $Y^-$  is of the formula II-3.

Group 48, claim(s) 1, 13 and 30 (all in part), drawn to compounds of the formula I where  $CAT^+$  is oxazine and  $Y^-$  is of the formula II-4.

Group 49, claim(s) 1, 14 and 27 (all in part), drawn to compounds of the formula I where  $CAT^+$  is triarylmethane and  $Y^-$  is of the formula II-1.

Group 50, claim(s) 1, 14 and 28 (all in part), drawn to compounds of the formula I where  $CAT^+$  is triarylmethane and  $Y^-$  is of the formula II-2.

Group 51, claim(s) 1, 14 and 29 (all in part), drawn to compounds of the formula I where  $CAT^+$  is triarylmethane and  $Y^-$  is of the formula II-3.

Group 52, claim(s) 1, 14 and 30 (all in part), drawn to compounds of the formula I where  $CAT^+$  is triarylmethane and  $Y^-$  is of the formula II-4.

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Group 53, claim(s) 1, 15 and 27 (all in part), drawn to compounds of the formula I where  $CAT^+$  is diarylmethane and  $Y^-$  is of the formula II-1.

Group 54, claim(s) 1, 15 and 28 (all in part), drawn to compounds of the formula I where  $CAT^+$  is diarylmethane and  $Y^-$  is of the formula II-2.

Group 55, claim(s) 1, 15 and 29 (all in part), drawn to compounds of the formula I where  $CAT^+$  is diarylmethane and  $Y^-$  is of the formula II-3.

Group 56, claim(s) 1, 15 and 30 (all in part), drawn to compounds of the formula I where  $CAT^+$  is diarylmethane and  $Y^-$  is of the formula II-4.

Group 57, claim(s) 1, 16 and 27 (all in part), drawn to compounds of the formula I where  $CAT^+$  is acridine and  $Y^-$  is of the formula II-1.

Group 58, claim(s) 1, 16 and 28 (all in part), drawn to compounds of the formula I where  $CAT^+$  is acridine and  $Y^-$  is of the formula II-2.

Group 59, claim(s) 1, 16 and 29 (all in part), drawn to compounds of the formula I where  $CAT^+$  is acridine and  $Y^-$  is of the formula II-3.

Group 60, claim(s) 1, 16 and 30 (all in part), drawn to compounds of the formula I where  $CAT^+$  is acridine and  $Y^-$  is of the formula II-4.

Group 61, claim(s) 1, 17 and 27 (all in part), drawn to compounds of the formula I where  $CAT^+$  is quinoline and  $Y^-$  is of the formula II-1.

Group 62, claim(s) 1, 17 and 28 (all in part), drawn to compounds of the formula I where  $CAT^+$  is quinoline and  $Y^-$  is of the formula II-2.

Group 63, claim(s) 1, 17 and 29 (all in part), drawn to compounds of the formula I where  $CAT^+$  is quinoline and  $Y^-$  is of the formula II-3.



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Group 64, claim(s) 1, 17 and 30 (all in part), drawn to compounds of the formula I where  $CAT^+$  is quinoline and  $Y^-$  is of the formula II-4.

Group 65, claim(s) 1, 18 and 27 (all in part), drawn to compounds of the formula I where  $CAT^+$  is isoquinoline and  $Y^-$  is of the formula II-1.

Group 66, claim(s) 1, 18 and 28 (all in part), drawn to compounds of the formula I where  $CAT^+$  is isoquinoline and  $Y^-$  is of the formula II-2.

Group 67, claim(s) 1, 18 and 29 (all in part), drawn to compounds of the formula I where  $CAT^+$  is isoquinoline and  $Y^-$  is of the formula II-3.

Group 68, claim(s) 1, 18 and 30 (all in part), drawn to compounds of the formula I where  $CAT^+$  is isoquinoline and  $Y^-$  is of the formula II-4.

Group 69, claim(s) 1, 19 and 27 (all in part), drawn to compounds of the formula I where  $CAT^+$  is quaternary azafluorenone and  $Y^-$  is of the formula II-1.

Group 70, claim(s) 1, 19 and 28 (all in part), drawn to compounds of the formula I where  $CAT^+$  is quaternary azafluorenone and  $Y^-$  is of the formula II-2.

Group 71, claim(s) 1, 19 and 29 (all in part), drawn to compounds of the formula I where  $CAT^+$  is quaternary azafluorenone and  $Y^-$  is of the formula II-3.

Group 72, claim(s) 1, 19 and 30 (all in part), drawn to compounds of the formula I where  $CAT^+$  is quaternary azafluorenone and  $Y^-$  is of the formula II-4.

Group 73, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 1.

Group 74, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 2.

Group 75, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 3.

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Group 76, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 4.

Group 77, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 5.

Group 78, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 6.

Group 79, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 7.

Group 80, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 8.

Group 81, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 9.

Group 82, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 10.

Group 83, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 11.

Group 84, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 12.

Group 85, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 13.

Group 86, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 14.

Group 87, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 15.

Group 88, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 16.

Group 89, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 17.

Group 90, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 18.

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Group 91, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 19.

Group 92, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 20.

Group 93, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 21.

Group 94, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 22.

Group 95, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 23.

Group 96, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 24.

Group 97, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 25.

Group 98, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 26.

Group 99, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 27.

Group 100, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 28.

Group 101, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 29.

Group 102, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 30.

Group 103, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 31.

Group 104, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 32.

Group 105, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 33.

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Group 106, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 34.

Group 107, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 35.

Group 108, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 36.

Group 109, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 37.

Group 110, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 38.

Group 111, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 39.

Group 112, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 40.

Group 113, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 41.

Group 114, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 42.

Group 115, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 43.

Group 116, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 44.

Group 117, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 45.

Group 118, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 46.

Group 119, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 47.

Group 120, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 48.

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Group 121, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 49.

Group 122, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 50.

Group 123, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 51.

Group 124, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 52.

Group 125, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 53.

Group 126, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 54.

Group 127, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 55.

Group 128, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 56.

Group 129, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 57.

Group 130, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 58.

Group 131, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 59.

Group 132, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 60.

Group 133, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 61.

Group 134, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 62.

Group 135, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 63.

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Group 136, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 64.

Group 137, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 65.

Group 138, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 66.

Group 139, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 67.

Group 140, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 68.

Group 141, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 69.

Group 142, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 70.

Group 143, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 71.

Group 144, claim(s) 31 in part, drawn to process for the preparation of the compounds of Group 72.

Group 145, claim(s) 32 in part, drawn to process for the preparation of compounds of the formula XXIII where Y<sup>-</sup> is formula II-1.

Group 146, claim(s) 32 in part, drawn to process for the preparation of compounds of the formula XXIII where Y<sup>-</sup> is formula II-2.

Group 147, claim(s) 32 in part, drawn to process for the preparation of compounds of the formula XXIII where Y<sup>-</sup> is formula II-3.

Group 148, claim(s) 32 in part, drawn to process for the preparation of compounds of the formula XXIII where Y<sup>-</sup> is formula II-4.

Group 149, claim(s) 33 in part, drawn to compounds of the formula XXIV where Y<sup>-</sup> is formula II-1.

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Group 150, claim(s) 33 in part, drawn to compounds of the formula XXIV where Y<sup>-</sup> is formula II-2.

Group 151, claim(s) 33 in part, drawn to compounds of the formula XXIV where Y<sup>-</sup> is formula II-3.

Group 152, claim(s) 33 in part, drawn to compounds of the formula XXIV where Y<sup>-</sup> is formula II-4.

Group 153, claim(s) 34 in part, drawn to process for the preparation of compounds of formula XXIV where Y<sup>-</sup> is formula II-1.

Group 154, claim(s) 34 in part, drawn to process for the preparation of compounds of formula XXIV where Y<sup>-</sup> is formula II-2.

Group 155, claim(s) 34 in part, drawn to process for the preparation of compounds of formula XXIV where Y<sup>-</sup> is formula II-3.

Group 156, claim(s) 34 in part, drawn to process for the preparation of compounds of formula XXIV where Y<sup>-</sup> is formula II-4.

Group 157, claim(s) 35 in part, drawn to process for the preparation of compounds of the formula XXIV where Y<sup>-</sup> is formula II-2.

Group 158, claim(s) 35 in part, drawn to process for the preparation of compounds of the formula XXIV where Y<sup>-</sup> is formula II-3.

Group 159, claim(s) 35 in part, drawn to process for the preparation of compounds of the formula XXIV where Y<sup>-</sup> is formula II-4.

Group 160, claim(s) 36 in part, drawn to process for the preparation of azo dyes of claim 6 where Y<sup>-</sup> is formula II-1.

Group 161, claim(s) 36 in part, drawn to process for the preparation of azo dyes of claim 6 where Y<sup>-</sup> is formula II-2.

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Group 171, claim(s) 36 in part, drawn to process for the preparation of azo dyes of claim 6 where Y<sup>-</sup> is formula II-3.

Group 162, claim(s) 36 in part, drawn to process for the preparation of azo dyes of claim 6 where Y<sup>-</sup> is formula II-4.

Group 163, claim(s) 37 in part, drawn to compounds of the formula XXIX where Y<sup>-</sup> is formula II-1.

Group 164, claim(s) 37 in part, drawn to compounds of the formula XXIX where Y<sup>-</sup> is formula II-2.

Group 165, claim(s) 37 in part, drawn to compounds of the formula XXIX where Y<sup>-</sup> is formula II-3.

Group 166, claim(s) 37 in part, drawn to compounds of the formula XXIX where Y<sup>-</sup> is formula II-4.

Group 167, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 1.

Group 168, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 2.

Group 169, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 3.

Group 170, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 4.

Group 171, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 5.

Group 172, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 6.

Group 173, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 7.

Group 174, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 8.

Group 175, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 9.



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Group 176, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 10.

Group 177, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 11.

Group 178, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 12.

Group 179, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 13.

Group 180, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 14.

Group 181, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 15.

Group 182, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 16.

Group 183, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 17.

Group 184, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 18.

Group 185, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 19.

Group 186, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 20.

Group 187, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 21.

Group 188, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 22.

Group 189, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 23.

Group 190, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 24.

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Group 191, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 25.

Group 192, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 26.

Group 193, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 27.

Group 194, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 28.

Group 195, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 29.

Group 196, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 30.

Group 197, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 31.

Group 198, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 32.

Group 199, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 33.

Group 200, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 34.

Group 201, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 35.

Group 202, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 36.

Group 203, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 37.

Group 204, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 38.

Group 205, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 39.

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Group 206, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 40.

Group 207, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 41.

Group 208, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 42.

Group 209, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 43.

Group 210, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 44.

Group 211, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 45.

Group 212, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 46.

Group 213, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 47.

Group 214, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 48.

Group 215, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 49.

Group 216, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 50.

Group 217, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 51.

Group 218, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 52.

Group 219, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 53.

Group 220, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 54.

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Group 221, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 55.

Group 222, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 56.

Group 223, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 57.

Group 224, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 58.

Group 225, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 59.

Group 226, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 60.

Group 227, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 61.

Group 228, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 62.

Group 229, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 63.

Group 230, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 64.

Group 231, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 65.

Group 232, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 66.

Group 233, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 67.

Group 234, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 68.

Group 235, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 69.

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Group 236, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 70.

Group 237, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 71.

Group 238, claim(s) 38 to 40 (all in part), drawn to methods using dyes of Group 72.

The inventions listed as Groups 1 to 238 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the special technical feature common to Groups 1 to 248 is the compounds of the formula I. This is not a special technical feature because the compounds of the formula I lack a common core. Note that  $CAT^+$  and  $Y^-$  can be a variety of cations and anions, respectively. Furthermore, the compounds of the formula I are known in the prior art. See the X references cited in the International Search Report.

In addition, it would be an undue burden on the examiner to search all of the groups as separate patent, literature and computer searches would need to be done.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election

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must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

The examiner has required restriction between product and process claims. Where applicant elects claims directed to the product, and the product claims are subsequently found allowable, withdrawn process claims that depend from or otherwise require all the limitations of the allowable product claim will be considered for rejoinder. All claims directed to a nonelected process invention must require all the limitations of an allowable product claim for that process invention to be rejoined.

In the event of rejoinder, the requirement for restriction between the product claims and the rejoined process claims will be withdrawn, and the rejoined process claims will be fully

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examined for patentability in accordance with 37 CFR 1.104.

Thus, to be allowable, the rejoined claims must meet all criteria for patentability including the requirements of 35 U.S.C. 101, 102, 103 and 112. Until all claims to the elected product are found allowable, an otherwise proper restriction requirement between product claims and process claims may be maintained. Withdrawn process claims that are not commensurate in scope with an allowable product claim will not be rejoined. See MPEP § 821.04(b). Additionally, in order to retain the right to rejoinder in accordance with the above policy, applicant is advised that the process claims should be amended during prosecution to require the limitations of the product claims.

**Failure to do so may result in a loss of the right to rejoinder.**

Further, note that the prohibition against double patenting rejections of 35 U.S.C. 121 does not apply where the restriction requirement is withdrawn by the examiner before the patent issues. See MPEP § 804.01.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fiona T. Powers whose telephone number is 571-272-0702. The examiner can normally be reached on Monday - Friday 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be

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reached on 571-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fiona T. Powers/  
Primary Examiner, Art Unit  
1626

ftp  
March 16, 2009